

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

Arb.P. No. 01/2024

SMT. LEELA SINGH AND ANR.

PETITIONER (S)

VERSUS

SMT. KALPANA RAI AND ORS.

RESPONDENT (S)

For Petitioners : Mr. Yam Kumar Subba, Advocate.

For Respondents : Mr. Rahul Rathi and Ms. Khushboo Rathi,
Advocates.

Date: 09/09/2024

CORAM:

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE

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ORDER

This is an application under section 11 of the Arbitration and Conciliation Act, 1996 (as amended till date), for appointment of an Arbitrator.

At the time of hearing of the matter, the learned Advocates submit, on instruction, that their clients have no objection for appointment of a sole Arbitrator for adjudication of the disputes which may have arisen between the parties. However, the sole Arbitrator to be appointed should be an independent Arbitrator to be nominated by this Court and not based on suggested names provided by the petitioner.

Considering the facts and circumstances of the instant case, this Court is of the view that a designated Senior Advocate of this Court, namely, Shri Asutosh Moulik, may be appointed as a sole Arbitrator for adjudication of the disputes which may have arisen between the parties. It will be open to the learned Arbitrator to select the venue of arbitration and also determine his fees as well as the required fees/charges for secretarial assistance. The learned Arbitrator may initiate the arbitral proceeding as expeditiously as possible, preferably within a period of four (4) weeks from date of communication of a photostat certified copy



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of this order. The learned Arbitrator is also requested to conclude the arbitral proceeding within a reasonable period of time.

It will be open to the petitioner to approach the learned Arbitrator for the purpose of striking out the name of the respondent, M/s Royal Norla, from the array of parties who will appear before the Arbitral Tribunal in terms of this order.

Since no affidavits were called for, allegations made in the instant arbitration petition shall be deemed to have been not admitted by the respondents.

The application is, accordingly, disposed of.

(Biswanath Somadder)
Chief Justice

jk/avi/ami

